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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 August 1999, at 3 p.m.

Chairman: Mr. HATANO

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(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

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The meeting was called to order at 3 p.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

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(agenda item 4) (continued) (E/CN.4/Sub.2/1999/10-12, 30 and 33; E/CN.4/Sub.2/1999/NGO/5, 8, 14 and 25; E/CN.4/Sub.2/1998/6; E/CN.4/1999/50)

1. Mr. SAUTTER (Pax Romana), speaking also on behalf of the International Federation of Rural Adult Catholic Movements, said that, in view of the negative impact of economic globalization, the Sub-Commission was expected, more than ever, to play a pivotal role in the formulation of a normative and regulatory human rights framework.

2. Pax Romana welcomed the decision by OECD to withdraw the Multilateral Agreement on Investment (MAI). However, that instrument, which was intended to be a charter of rights of corporations that would have restricted the ability of Governments to control them, was to be discussed again at the next Ministerial Conference of the World Trade Organization (WTO). Hence, the organizations defending human rights should remain vigilant. Pax Romana also denounced the speculative investment underlying the economic and financial crises from which tens of millions of persons had suffered in South-East Asia and Latin America. Unfortunately, the international community had been unable to find solutions to those crises and the human rights violations that they had entailed were continuing. For that reason, Pax Romana recommended that the Sub-Commission examine more thoroughly the negative impact of speculative investment on human rights and study the question of globalization and its impact on the full enjoyment of all human rights in conformity with resolution 1999/53 which the Commission on Human Rights had adopted under agenda item 4.

3. Noting that agro-chemical transnational corporations controlled the entire food production chain and the global food trade, Pax Romana supported the recommendations made by Mr. Eide in his report on the right to food (E/CN.4/Sub.2/1999/12). Those problems could also be examined within the framework of the Social Forum proposed by Mr. Bengoa. In Africa, the problem of external debt was also obstructing enjoyment of the right to food. Although the heads of State of the G7 countries meeting at Cologne in June 1999 had announced that 90 per cent of the debts of the poor countries would be cancelled, in actual fact, those cancellations represented only 1 per cent of total third world debt. Moreover, in order to benefit from those measures, the countries concerned would have to adhere to the structural adjustment programmes imposed by the IMF. It was therefore essential that, as recommended by Mr. Eide in paragraph 131 of his report, the creditor countries

should adopt substantial debt-relief measures in ways which facilitated realization of the right to development for vulnerable groups in developing countries.

4. Mr. PANDITA (African Commission of Health and Human Rights Promoters) said that there was a close link between disarmament and development. In that regard, he welcomed the fact that, in October 1998, 16 heads of State and Government of the Economic Community of West African States (ECOWAS) had adopted a declaration providing for the application of a moratorium on the import, export and manufacture of light weapons. In fact, unless the international community put an end to the large-scale trade in light arms, development in zones of conflict would remain illusory. That applied in particular to Asia and especially Afghanistan, where almost one third of the country's population had been decimated during a fratricidal war, and in the State of Jammu and Kashmir where 10 years of conflict had destroyed most of the infrastructure needed for development and had dealt a devastating blow to two sectors, handicrafts and tourism, which were the mainstay of the economy.

5. The African Commission of Health and Human Rights Promoters, believing that the international community had a moral responsibility in that regard, called upon the States concerned to follow the example of ECOWAS and sign a declaration providing for a moratorium on the import, export and manufacture of light weapons.

6. Mrs. BIONDI BIRD (International Confederation of Free Trade Unions - ICFTU) said that the prospects for world economic recovery remained very fragile and Governments and international financial institutions should reinforce the social dimension of the process of international market integration. While welcoming the fact that the World Bank and IMF had begun to review their approach to the governance of the international economic and financial system, ICFTU still regarded that step as too timid. In their negotiations with Governments, the Bretton Woods institutions should take into consideration the measures to be adopted to improve social protection, combat poverty, develop access to education, health care and employment and strengthen social institutions and industrial relations.

7. With regard to the work of the Sub-Commission, ICFTU commended the quality of the working paper presented by Mr. Oloka-Onyango and Mrs. Udgama (E/CN.4/Sub.2/1999/11) but regretted that no specific reference had been made to labour rights in the conclusions and recommendations.

8. ICFTU criticized the methods adopted by multinational corporations to procure cheap labour and quoted, by way of example, a dispute between a United States textile workers' union and retail companies from that country whose sub-contractors in Saipan, one of the Mariana Islands, were employing many workers from China, the Philippines, Bangladesh and Thailand who, having been lured by promises of a better life in the United States, were being made to work up to 12 hours a day, seven days a week. In that connection, it should be noted that the United States had ratified only one of the seven ILO core conventions on labour rights.

9. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education), speaking also on behalf of New Humanity and the Association

pour le Volontariat Social International, welcomed the increasing interest that United Nations human rights bodies were showing in education and commended the innovative character of Mr. Mehedi's study on the content of that right (E/CN.4/Sub.2/1999/10). That interest was fully justified in view of the fundamental nature of the right to education, which some authors had designated as a "human rights instrument". Education formed the basis of sustainable human development and, from the cultural standpoint, was equivalent to the right to life: for peoples as well as individuals, it was a matter of life or death. When speaking of education, one could not refer only to public expenditure, the proportion of GNP devoted to educational programmes or the literacy rate; the qualitative as well as the quantitative aspects should be mentioned. Although indicators were certainly necessary, the quality of education also needed to be assessed. For example, UNESCO was stressing the need for "quality education for all", that is to say, above all, a meaningful education. That meaning should be not only pluralistic but also open to the universal. Education designed in that way was conducive to respect for cultural and religious identities. However, such education needed to be invented because the models that were still being followed were obsolete. For that reason, the Sub-Commission should adopt an innovative and creative approach to studies on the right to education by stressing its cultural nature.

10. Mrs. AVELLA (Women's International Democratic Federation) denounced the neoliberal policy that was responsible for the exploitation and marginalization of most peoples and the unequal distribution of wealth. The structural adjustment programmes imposed by the International Monetary Fund had led to a decline in the standard of living in the developing countries. In several Latin American countries, the economic recession was assuming the dimensions of a depression, which would only aggravate the situation of the poorest. By emphasizing privatization, most development plans were promoting corporate capitalism while leaving millions of persons unemployed. The opening of markets likewise entailed an increase in imports, from which transnational corporations benefited. On the other hand, labour market flexibility had nullified the acquired rights of workers.

11. That situation was causing a resurgence of violence, particularly against women, who were the principal victims of mass violations, crime and the lack of food and medicine. Women still constituted 70 per cent of the human beings suffering from hunger, poverty, unemployment and marginalization. In addition, transnational corporations were continuing to employ children, who were being treated as veritable slaves in some countries of South-East Asia.

12. Mr. BALTI (Association Tunisienne pour l'Auto-Développement et la Solidarité - ATLAS) said that globalization had not yet produced the expected positive effects and, on the contrary, the number of poor people was constantly increasing. The commendable efforts that regional and international organizations, the Office of the High Commissioner for Human Rights and the Sub-Commission had made to promote the right to development remained insufficient and the same applied to the support for NGO projects in developing countries aimed at ensuring the realization of economic, social and cultural rights, which should be viewed in the same light as civil and political rights to which they were inextricably linked.

13. The activities of ATLAS supplemented the national programmes to combat poverty which had been implemented in Tunisia for the last decade. Those programmes were currently based on the principle of integration through economic activity instead of a system of assistance. For example, the Tunisian Solidarity Bank had granted 10,000 loans to fund small projects of young entrepreneurs, one quarter of whom were women. The comprehensive developmental approach that had been adopted by ATLAS had produced tangible results as shown, inter alia, by the rise in educational enrolment, the improvement in life expectancy and the increase in per capita income.

14. Moreover, in response to a proposal made by President Ben Ali, the Tunisian Parliament had recently adopted a law under which the management of microcredit on simple and favourable conditions for the most disadvantaged sections of society would be entrusted to NGOs. International cooperation and solidarity nevertheless remained indispensable in order to tackle the problems of poverty and achieve the expected progress.

15. ATLAS recommended that the Sub-Commission should, at a subsequent session, take stock of the partnership relations between NGOs, on the one hand, and governments and international organizations on the other, in regard to the realization of economic, social and cultural rights and it supported Mr. Bengoa's proposal concerning the organization of a social forum.

16. Mr. PARY (Indian Movement Tupaj Amaru), speaking also on behalf of the North-South XXI organization, said that, in accordance with the logic of the new international economic order governed by the law of the jungle, transnational corporations were dominating the world economy. The 100 largest corporations were based in the most highly developed countries and were holding more than one third of the world's capital. They were omnipresent on the lands of indigenous populations, whose wealth they coveted. For example, in accordance with its ultra-liberal policy, the Russian Government was currently handing over to them the fabulous natural resources concealed in the subsoil of Siberia which belonged to the indigenous peoples of that immense territory.

17. Today, more than ever before, the absence of a legal framework governing the activities of transnational corporations and their direct investments in the third world was being grievously felt. In fact, they were interested solely in maximizing their profits by pillaging natural resources and exploiting labour. The States in which they operated had neither the negotiating power nor the legal tools needed to control them. Hence, there was an imperative need to define the rights and obligations of those corporations in order to formulate clear and precise rules concerning the responsibility of economic agents in fields such as pollution, extreme poverty and the illicit transfer of capital, which constituted grave violations of economic and social rights.

18. In 1992, at the request of the United States of America and under pressure from economic and financial circles, the governmental delegations had decided to abandon their consideration of a draft code of conduct for transnational corporations. Democracy had been replaced by dictatorship of the market economy. However, many texts stressed the need to establish a binding international legal framework for transnational corporations and

States. The Sub-Commission's sessional working group on the working methods and activities of transnational corporations could find a source of inspiration in the Charter of the United Nations, the International Covenants and various resolutions of the General Assembly in which the latter had laid down a number of rules concerning the provision of economic and technical assistance, foreign investments, the exploitation of natural resources, nationalization, expropriation and requisition.

19. Mr. AGUILAR (Service, Peace and Justice in Latin America), presenting himself as a member of the indigenous community of Mixtecos in the State of Oaxaca in Mexico, said that indigenous people were marginalized and living in poverty because their economic, social and cultural rights were being violated. In addition, States were endeavouring to impose on the indigenous population a mode of development that did not correspond to their culture and failed to respect nature.

20. In Mexico, more than three quarters of the indigenous population were living in extreme poverty, half were illiterate and four fifths of children were suffering from denutrition. The State was also denying the right of the indigenous population freely to dispose of their natural resources and their lands and was engaging in expropriations, as in the Papaloapan basin, and in massive deforestation. The indigenous peoples of other countries were experiencing the same fate and were likewise victims of the globalization of the neoliberal economy.

21. The indigenous peoples did not want a development and integration model that would imply relinquishment of their own identity. They wanted to be the subjects of their own development based on respect for their culture and for nature without thereby rejecting modern technology. The State's refusal to recognize collective rights of indigenous peoples, such as the right to self-determination within the framework of national legal systems and the right to ensure their economic, social and cultural development, could lead to acts of aggression by police or military forces as demonstrated by recent events in the State of Oaxaca.

22. On behalf of his organization, he called upon the Sub-Commission to undertake a full study of the rights of indigenous peoples and to ensure that those rights were respected. He also called upon the Government of Mexico to apply the San Andrés accords concerning indigenous rights and culture.

23. Mrs. MOURAVIEFF APOSTAL (International Federation of Social Workers) said that education was not only a right but also an imperative need on which the survival and development of populations depended. Realization of the right to education was particularly indispensable as technology was currently making rapid progress and the gulf was widening between populations endowed with knowledge and, consequently, resources and those who lacked training and were therefore condemned to a life of poverty and exploitation. That trend posed a serious threat to the survival of mankind as it was synonymous with poverty, unemployment, fanaticism and conflict. The right to education was still not being applied in some countries due to the lack of financial resources, the high birth rate and lack of familiarity with human rights. In that regard, the appointment last year by the Commission on Human Rights of a Special Rapporteur on the right to education should be welcomed.

24. As had been pointed out by UNESCO, education could be dispensed in various ways. It was therefore conceivable that a non-academic education could be provided for children and adults who, because of their financial situation, were unable to attend existing academic institutions. Those persons could be subsequently integrated in the normal teaching programme or obtain equivalent qualifications. It should be borne in mind that discrimination based on gender, social status, race or religion must be totally banished from the education sector. Although education was not a panacea for all ills, it was nevertheless one of the means available to ensure a little social justice.

25. Mrs. PARKER (International Educational Development) said that there was a direct interlinkage between the realization of economic, social and cultural rights and the imposition of economic sanctions and she pointed out that, in its resolution 1997/35, the Sub-Commission had expressed its concern at the adverse consequences of economic sanctions for the enjoyment of human rights. Moreover, the sanctions imposed within the context of an armed conflict should respect the fundamental principles of humanitarian law and should not affect the civilian population. Since the measures taken by the Security Council under Articles 41 and 42 of the Charter were supposed to be in conformity with the aims of the United Nations, they should be evaluated before being applied and, if necessary, should be modified if they were not in accordance with the provisions of the Charter or humanitarian standards. In that regard, note should be taken of the framework established by the Committee on Economic, Social and Cultural Rights in its General Comment No. 8 of December 1997 for the evaluation of sanctions in relation to economic rights.

26. In Burundi, although the sanctions had been suspended they could be reimposed at any time even though the Commission's Special Rapporteur on the human rights situation in Burundi was strongly opposed to those measures which "were having a disastrous effect on the general population of Burundi" (E/CN.4/1998/72). She called upon the Sub-Commission carefully to monitor developments in the situation and to request the application of appropriate measures to ensure the country's economic reconstruction.

27. The sanctions imposed on Iraq, on the other hand, had not yet been lifted and the situation in regard to the economic, social and cultural rights of the civilian population was catastrophic. More than one and a half million children had died and, as noted by UNICEF and WHO, famine was rampant. Agricultural production was far from sufficient and was contaminated by the depleted uranium used during the war. That had resulted in a whole series of diseases, as well as congenital malformations, which the United States of America was endeavouring to conceal from the world while insisting on the maintenance of the sanctions. Moreover, by 1996, epidemics that had previously been controllable had decimated the livestock and destroyed the harvests. However, the Sanctions Committee had prohibited importation of the products and vaccines needed to combat them.

28. Consequently, she called upon the Sub-Commission to request the lifting of the sanctions that were affecting the economic, social and cultural rights of the Iraqi civilian population and urged it to continue its consideration of that question.

29. Mr. WINDFUHR (Food First Information and Action Network) said that the study prepared in 1987 by Mr. Eide on the right to adequate food as a human right (E/CN.4/Sub.2/1987/23) had been highly important, in the view of the NGOs, for an understanding of that right. The Committee on Economic, Social and Cultural Rights had also incorporated many of the principles outlined in the 1987 study in its General Comment No. 12. The updated version of that study (E/CN.4/Sub.2/1999/12), which was also before the Sub-Commission, was likewise very useful.

30. The NGOs and States participating in the World Food Summit at Rome in November 1996 had called upon the High Commissioner for Human Rights, in collaboration with the competent treaty bodies, to provide a better definition of the right to adequate food, which had been done in General Comment No. 12, and to consider the drafting of supplementary instruments in order to fill the legal gaps and ensure more effective application of the right to adequate food. Some NGOs had also drawn up a code of conduct defining the obligations of States in that connection and specifying the responsibilities of the economic agents who could influence the realization of that right. In fact, the NGOs had noted that the external economic policy of a State could affect enjoyment of the right to adequate food by the citizens of another State. The structural adjustment and commercial policies imposed by intergovernmental and international institutions likewise influenced the ability of States to give effect to that right. As emphasized by Mr. Eide in his study, States also had an obligation to protect their citizens from the adverse effects of the activities of other economic agents, in the private sector for example. That was why the code of conduct drawn up by the NGOs sought to encourage States to apply one of the objectives of the World Food Summit, namely the preparation of directives for the private economic agents which had not hitherto been taken into account.

31. He requested the Sub-Commission to encourage FAO and the Office of the High Commissioner to convene a third seminar of experts from organizations operating in the fields of food and agriculture and from the Office of the High Commissioner for Human Rights in order to study the question of the practical application of General Comment No. 12 by States and means to fill the above-mentioned legal gaps.

32. Mrs. YULIA MOTOC said that, although civil and political rights and economic, social and cultural rights were fundamentally interlinked, that interlinkage had been called into question by the arbitrary separation between rights advocated by the liberal movement, in the case of the former, and rights associated with socialism, in the case of the latter. After the collapse of communism, some had predicted that economic, social and cultural rights would have no future, which was unjustified since, at all events, the States of the communist bloc had shown no greater respect for those rights than for civil and political rights. On the other hand, the prediction of those expecting the collapse of communism to give rise to the absolute and unbridled reign of market mechanisms, against which a State governed by the rule of law was powerless, had proved to be correct. Furthermore, poverty in those States had increased and had created fertile ground for the development of extremist ideologies as illustrated by the alliance between former

communist parties and the extreme right. In that connection, it would be useful for the Sub-Commission to examine the linkage between those alliances, which also existed in other countries, and racial discrimination.

33. It had become difficult to distinguish between the right and the left and it was no longer possible to designate a particular party as the promoter of anti-racism or of social, economic and cultural rights. The difference between rich and poor was more evident and that was why some writers affirmed that the promotion of anti-racism was a luxury that could be afforded only by the rich countries in which the parties of the right as well as those of the left could be seen to be combating extremism.

34. That lack of clearly defined ideology was accompanied by a loss of identity by the State which, according to some, was partly attributable to globalization. When the State began to lose its authority, citizens gave free rein to their aggressiveness and, in that sense, there was an evident correlation between globalization and racism. In view of that trend, while it was extremely important to promote education it was also necessary to apply other forms of sanctions against transnational corporations in order to induce them to respect human rights.

35. The concept of development aid had been modified in keeping with those changes. In the 1960s, aid was viewed as a debt due to the countries that had been colonized and exploited, but the end results of that type of aid based on the generosity of the rich States had been negative. At the present time, the basis of development aid was more realistic: reliance was placed on the egoism of the most highly developed countries, which had every reason to prevent poverty from spreading in the developing countries because such poverty could pose a threat to themselves in the near future.

36. Mr. KHOURI (Union of Arab Jurists) said that economic, social and cultural rights, which were an essential component of the International Bill of Human Rights, were being infringed by globalization, and the disparity between the developed and the developing countries was constantly increasing in the economic and technical spheres. The poorer countries were overburdened with debt and faced with the risk of conflicts. In many developing countries recognized social rights were being called into question, poverty was gaining ground and transnational corporations were indifferent to national interests.

37. On the threshold of the third millennium, peace, stability and economic development were still lacking in the Middle East. Israel was continuing its policy of aggression in Palestine, in the occupied Arab territories and in Lebanon and was refusing to recognize the Palestinian people's right to self-determination.

38. Moreover, the embargoes and sanctions ordered by the United States of America constituted a violation of the right to development. The embargo imposed on Iraq for the last 10 years had already resulted in more than one and a half million deaths, primarily among children under five years of age. Due to the lack of books and teaching materials, Iraqi youth was unable to exercise its fundamental right to education and the future of the country and of coming generations was thereby being compromised.

39. He proposed that the Sub-Commission should adopt a resolution calling for the lifting of the embargo that had been imposed on Iraq, as it was no longer morally or legally justifiable and was causing tremendous suffering to the civilian population.

40. Mr. SINGH (Liberation) said that, when non-governmental actors such as private corporations exercised de facto if not de jure control over factors impinging on the enjoyment of human rights, they should be held accountable for their activities in those fields, particularly when the State was not in control of the situation.

41. The United Nations should develop a mechanism to supervise the activities of transnational corporations, which must be held accountable for their acts having an adverse impact on the human rights situation, and should endeavour to solve the problems on a case-by-case basis. There were specific allegations to the effect that transnational corporations were sponsoring acts of violence, including extrajudicial executions, against indigenous peoples, in Colombia for example. It was important, therefore, that those corporations be held responsible. However, since they were sometimes more powerful than the State in which they operated, there was a need to draw up a set of international standards or even a convention to regulate their activities. The Sub-Commission should encourage studies on that subject.

42. With regard to the situation in north-eastern Sri Lanka, he called upon the Sub-Commission to make urgent representations to the Sri Lankan Government to permit the transport of food and medicine to the region of Vanni and other Tamil areas where the population was threatened with famine.

43. Liberation was also concerned at the arms race in which Pakistan and India were engaging to the detriment of the satisfaction of the fundamental needs of their population. Pakistan was allocating 22.5 per cent of its budget to defence but only 0.47 per cent to health and 0.14 per cent to education. Liberation was therefore urging the Indian and Pakistani Governments to reduce their defence budgets and put an end to their conflict in Kashmir so that more resources could be devoted to education and development. In that connection, it should be noted that the majority of the population of Manipur, Nagaland and Assam in India were boycotting the Independence Day celebrations in protest at the forceful exploitation of the natural resources of those regions, the population of which was thereby being deprived of the right to enjoy their own resources and their economic, social and cultural rights.

44. Mr. RAMISHVILI said that the right to education, including education in human rights, was one of the most important rights since its exercise would help the younger generation to fully enjoy their economic, social, cultural, civil and political rights. For its part, the Sub-Commission should contribute to the success of the United Nations Decade for Human Rights Education. To that end, Mr. Mehedi should continue his study on the right to education and supplement it with factual information on human rights education. The experience gained in that field by some countries, particularly countries in which several religions and ethnic groups coexisted, could serve as an example for other countries.

45. It would also be helpful if Mr. Mehedi could carry out a comparative analysis of educational standards in various countries, especially in regard to human rights education and the use of the handbook that the United Nations had prepared for the teaching of human rights.

46. Mr. QADRI (World Muslim Congress) pointed out that, in accordance with article 1 of the two International Covenants on Human Rights, all peoples had the right of self-determination and, by virtue of that right, were entitled freely to determine their political status and freely to pursue their economic, social and cultural development. In areas under foreign occupation, those rights were the first to be violated by the occupying Power.

47. In the absence of effective international solidarity to ensure the realization of economic, social and cultural rights, economic development was meaningless. Governments never lacked arguments to justify flagrant violations of freedom of expression, freedom of religion, freedom of association and property rights in the name of "national development".

48. The right to education was also a basic right and any attempt to prevent a community from exercising it was a criminal act. In Kashmir, for example, 262 of the 585 government schools were controlled by the Indian security forces and some had been used as interrogation centres in which people were tortured. The army was also destroying forests in order to construct military camps in all rural areas and was subjecting the local population to forced labour. The Indian Government's periodic announcement of its intention to implement plans for the development of the economic infrastructure and job creation in Kashmir was actually an attempt to divert attention and hide the underlying causes of the conflict.

49. Mr. AHSAN (World Federation of Democratic Youth) said that the full enjoyment of economic, social and cultural rights and the right to development was impossible in conditions of insecurity, oppression and discrimination, particularly when the State itself was responsible for that situation. For example, in the province of Sindh in Pakistan, 22 million Mohajirs, who constituted the country's largest ethno-linguistic minority, were being denied all their rights by the majority ethnic group (Punjabis) who held political and economic power. It was evident that development could be achieved only in a democratic, pluralistic, tolerant and just society in which the principle of the equality of all citizens before the law was actually applied. However, in Pakistan, the Mohajirs were being systematically and deliberately marginalized, becoming second-class citizens in their own country. During the last 10 years, the Pakistani army had twice been deployed in the province of Sindh where it had conducted operations against the civilian population, persecuting the Mohajirs in particular. Those military operations had been one of the principal causes of the lack of development in that region under all Governments, even those that had been democratically elected.

50. Consequently, the World Federation of Democratic Youth called upon the Sub-Commission to urge the Pakistani Government to put an end to its policy of discrimination and repression against the Mohajirs of Sindh and to establish a true democracy in which all members of Pakistani society would be able to enjoy the benefits of development.

51. Mr. PROVE (Lutheran World Federation) joined other speakers in welcoming the excellent working paper presented by Mr. Oloka-Onyango and Mrs. Udgama (E/CN.4/Sub.2/1999/11), which constituted a major contribution to the Sub-Commission's work on questions relating to economic globalization and transnational corporations. The Federation endorsed the authors' recommendation that the Sub-Commission conduct a more thorough study of the relationship between trade, investment and financial policy and practice and human rights within the wider context of its consideration of the impact of globalization on the full enjoyment of all human rights. However, it hoped that priority attention would nevertheless continue to be paid to the impact of economic globalization on the livelihood and rights of marginalized communities.

52. The Federation likewise endorsed the recommendation concerning the establishment of mechanisms to carry out appropriate human rights impact assessments of the effects of the implementation of policy decisions taken by multilateral intergovernmental organizations. In that regard, he drew the Sub-Commission's attention to the Ministerial Conference of WTO, which was scheduled to be held at Seattle, United States of America, at the end of the year and during which some member States intended to propose the launching of a new round of negotiations with a view to the adoption of further liberalization measures in the agricultural and services sectors, possibly also including health and educational services. Bearing in mind the recent global economic crises, the widening gap between rich and poor, the gradual disappearance of the middle class and civil society's increasing opposition to unregulated economic liberalization, it would be unwise to apply such measures without a prior analysis of the human rights impacts of the measures that had already been taken. Caution should be exercised in that regard and the Sub-Commission should issue an urgent warning to that effect in view of the eminence of that Conference.

53. In the course of its work on that question, the Sub-Commission should examine the manner in which human rights principles could be integrated into economic policy during the process of formulating and implementing that policy rather than exclusively or primarily through the imposition of negative conditions or sanctions, especially of a unilateral nature, which could undermine acceptance of the universality and indivisibility of human rights.

54. Mr. OZDEN (Centre Europe - tiers monde - CETIM) said that CETIM had repeatedly denounced the adverse effects of the external debt of the countries of the South on the enjoyment of economic, social and cultural rights. The announcement by the G7 countries, at their previous meeting, of the cancellation of 90 per cent of the debts of the poorest countries was merely a hoax since, in actual fact, those cancellations amounted to a maximum of 12 per cent, i.e. $25 billion, of the debts of the countries concerned and 1.2 per cent of the total debt of the third world. It was evident that some countries of the South, such as Mozambique, were so highly indebted that, in spite of the application of those so-called relief measures, they would continue to allocate almost half of their budget to debt servicing. Those measures were particularly insidious insofar as they were subject to the application of structural adjustment programmes imposed by the IMF and the World Bank which had a direct adverse impact on the enjoyment of economic, social and cultural rights by the population.

55. CETIM regretted that the Commission had not accepted the Sub-Commission's recommendation that it appoint a special rapporteur on the realization and promotion of the right to drinking water and sanitation. That decision was particularly surprising since, by the year 2025, about 3 billion individuals would be suffering from a shortage of drinking water and many conflicts that were currently raging throughout the world had been caused by a lack or shortage of water. It was also surprising that the Commission on Human Rights had requested the Sub-Commission to endeavour to formulate a more precise definition of that right to drinking water before conducting a study. In fact, that right could not be called into question because water, as a vital resource, contributed to the well-being of the individual and of the society in which he lived and, in addition, the water supply formed an integral part of the overall social and economic activities of the individual and communities. The General Assembly should therefore recognize the right to water as a fundamental right in the same way as the right to food or housing. The Sub-Commission should also, as a matter of priority, formulate suggestions and recommendations concerning urgent measures to be taken to prevent a water shortage.

56. With regard to the working paper (E/CN.4/Sub.2/1999/11) presented by Mrs. Udgama and Mr. Oloka-Onyango on human rights as the primary objective of international trade, investment and financial policy and practice, CETIM was in favour of an in-depth study being conducted on that question. In fact, it was particularly concerned at the increased liberalization of markets and investments which the States of the North were seeking to obtain by launching a new round, known as the millennium round, during the third Ministerial Conference of WTO to be held at Seattle in November 1999. Hence, there was every reason to expect the reappearance, in a similar form, of the MAI which, as emphasized by the two experts in their working document, "in form and in substance represented the ultimate negation of all the basic principles of fundamental international human rights".

57. Consequently, CETIM called upon the Sub-Commission to adopt a resolution on that question reminding multilateral institutions of their human rights obligations recognized in international law, requesting WTO to adopt a moratorium on the MAI negotiations until the Commission on Human Rights had endorsed the conclusions and recommendations of the study requested by the two experts, and calling upon the High Commissioner for Human Rights to transmit the resolution in question to the Director-General of WTO.

58. Mr. DOONESEEPEE endorsed the main proposal contained in Mr. Eide's working paper on the right to food (E/CN.4/Sub.2/1999/12), namely that emphasis should henceforth be placed on economic and social rights, failing respect for which democracy would be merely a façade. As recommended by Mr. Eide, NGOs should in future pay more attention to economic and social rights and lawyers and universities could also play a positive role in the promotion of those rights. It was particularly important to broaden the training of lawyers, which was too often limited to private law, and to make them more conversant with international human rights instruments. Laws should be regarded as tools of social justice. The universities should continue the efforts that they had already made in that field.

59. It was evident that education in the field of economic and social rights played a major role insofar as it enabled Governments to understand the vast powers of transnational corporations and the adverse impact that their activities could have on the environment and the social fabric of the country in which they were operating. Accordingly, there was a need to ensure the realization of the right to education, in the same way as the right to food, as Mr. Mehedi had affirmed in his working paper on that subject (E/CN.4/Sub.2/1999/10).

60. Mr. NABI-FAI (International Islamic Federation of Student Organizations) said that the organization that he represented had great expectations of the work of the Working Group on the Right to Development, which would be meeting in September, and hoped that its discussions would focus on international responsibilities in regard to the promotion of that right because the developing countries could not fight that battle alone. The Working Group should also examine the manner in which the right to development was being applied by all States. The Sub-Commission, for its part, should take immediate action to persuade States to adopt measures to ensure the realization of that right on the threshold of the new millennium because the disparity between the richest and the poorest had reached alarming proportions during the last 30 years. In accordance with article 2 of the Declaration on the Right to Development, States should promote and protect an appropriate political, social and economic order for development. It was precisely because of the absence of those favourable conditions at the national and international levels that the international community had been unable to ensure the realization of the right to development both individually and collectively.

61. The numerous conflicts that had raged throughout the world since the end of the cold war had destroyed all hopes for a stable world economic order. However, the peace and security of individuals and society constituted the fundamental condition for respect for civil and political rights and the promotion of economic, social and cultural rights. In an atmosphere of extreme violence, the very concept of human rights became meaningless. For example, the conflict between India and Pakistan over the issue of Kashmir, which had lasted for more than 50 years, and the occupation of that territory by Indian forces had led to a denial of the economic, social and cultural rights, and particularly the right to development, of the Kashmiris.

62. Consequently, the International Islamic Federation of Student Organizations urged the international community to work towards a peaceful settlement of those disputes as an essential precondition for the protection of the human rights, including the right to development, of the populations concerned.

63. Mrs. TANGGAHMA (Survival International) denounced the violation of the right to development of the indigenous people of West Papua, which was also called Irian Jaya in Indonesia. Two weeks ago, the Indonesian Government had tabled a bill of law under which that province would be divided into three for the theoretical purpose of improving its development and increasing its people's participation in the decision-making process. However, the people had never been consulted concerning that division and, in July, had therefore organized numerous demonstrations to protest against that plan. In fact,

although the Declaration on the Right to Development stipulated that the human person was the central subject of development and that development policy should therefore make the human being the main participant in, and beneficiary of, development, a minimum of consultation on that subject was of capital importance in order to ensure true and sustainable development.

64. In actual fact, for more than 30 years, the Indonesian Government had been enriching itself through the exploitation of West Papua's vast natural resources of gas, timber, copper and gold without its inhabitants receiving anything in return. The central Government was considering the adoption of a new law under which a larger part of the profits obtained in that way would be returned to the regions concerned. However, those reinvestments would be administered by Government-appointed regional officials, such as the Governor of Irian Jaya, and not by those whose lands had been expropriated. One of the richest gold and copper mines in West Papua was being exploited by Freeport McMoran, a United States mining company, which President Habibi had recently authorized to expand its production without taking into account the devastating impact that such expansion would have on the environment and the inhabitants of the region, the Amungme tribe, who had never been consulted. The inhabitants of West Papua had not only a right to development but also a right to decide on their mode of development. In their case, it was essential that the decision-making process be effectively decentralized.

65. Survival International urged the members of the Sub-Commission to adopt a resolution on the situation in Indonesia in order to encourage the Indonesian Government to improve the human rights situation in that country, particularly in areas such as West Papua (Irian Jaya).

66. Mr. JOSHI (International Institute for Peace) said that, in the present world order, a small number of privileged States enjoyed peace and prosperity while a large number of marginalized States in the third world were plagued by warfare, civil strife, political instability, economic stagnation and ecological disasters. As trade liberalization increased, pressure was brought to bear on those States to open up their economies further to foreign investment and, in that way, their most promising economic sectors passed into the hands of transnational corporations, which entailed the disappearance of local enterprises and an increase in unemployment and poverty. The upper and middle classes who benefited from that situation were forming closer links with their counterparts in the countries of the North, thereby broadening the gap between the elite and the masses.

67. The Sub-Commission should therefore consider the various options available to developing countries to mitigate the adverse impact of globalization. First of all, the developing countries could gradually move from a direct foreign investment regime towards a multilateral investment framework in the light of the experience gained. The developing countries needed the collective will and strength to resist the pressure exercised by the industrialized countries in order to begin negotiations to that end or join OECD. The crux of the difference between existing liberal treaties and the multilateral treaties advocated by industrialized countries and TNCs lay in the issue of the treatment accorded to foreign investors in the country during the pre-establishment phase, which had vital implications for the political, social and economic objectives and interests of developing

countries. The third-world countries should also consider the extent to which adhesion to a multilateral investment framework would enable them to pursue their own policy more freely. If the developing countries chose the multilateral track, the best forum would be WTO which would enable them to negotiate a bottom-up approach, which differed from the OECD approach. Finally, in view of the heterogeneity of the developing countries, the impact and implications of a multilateral treaty would vary widely among them.

The meeting rose at 6 p.m.